

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND CELLCO PARTNERSHIP D/B/A VERIZON)	
WIRELESS FOR ISSUANCE OF CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY AT 1210 OUTER LOOP, LOUISVILLE, KY)	CASE NO.
40219 IN THE WIRELESS COMMUNICATIONS)	2000-367
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF JEFFERSON)	
SITE NAME: MINORS LANE)	
SITE NUMBER: 10020)	

O R D E R

On September 7, 2000, Crown Communication Inc. ("Crown") and CellCo Partnership d/b/a Verizon Wireless ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 165 feet in height, with attached antennas, to be located at 1210 Outer Loop, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 7' 37.42" by West Longitude 85° 44' 38.56".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Pursuant to KRS 278.065, the Applicants have submitted a proposal to the Louisville and Jefferson County Planning Commission. The Louisville and Jefferson County Planning Commission approved the proposed construction. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The FAA has approved the proposed construction and the KAZC decision is pending.¹

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments or requests for intervention have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

¹ The application states that the FAA approval will be forwarded upon receiving the determination. However, Exhibit E to the application contains the FAA determination approving the proposed construction.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

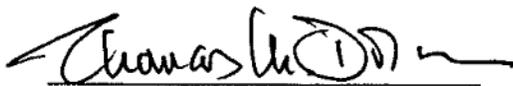
IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 165 feet in height, with attached antenna, and is to be located at 1210 Outer Loop, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 7' 37.42" by West Longitude 85° 44' 38.56".
2. The Applicants shall file a copy of the final decision regarding their pending KAZC application for the proposed construction within 10 days of receiving the decision.
3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 13th day of October, 2000.

By the Commission

ATTEST:


Executive Director